

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

OAH Case No. 2011070685

ANDY Q.,

Claimant,

v.

EASTERN LOS ANGELES REGIONAL
CENTER,

Service Agency.

DECISION

Humberto Flores, Administrative Law Judge (ALJ) with the Office of Administrative Hearings, heard this matter on September 1, 2011, in Alhambra, California.

Andy Q. (Claimant) was represented by his mother. Gerard Torres represented the Eastern Los Angeles Regional Center (regional center or service agency).

Evidence was received and the matter was submitted for decision on September 1, 2011.

ISSUE

Is the service agency required to fund more than 12 hours per month of community integration services.

FACTUAL FINDINGS

1. Claimant is a nine-year-old boy who is a regional center consumer based on a diagnoses of autism.

2. The regional center has been providing funding for Claimant to receive discrete trial training (DTT) and community integration services (CIS). These services have been provided by SEEK Education Inc.

3. On July 12, 2011, the service agency issued a Notice of Proposed Action (NOPA) in which it denied claimant's request to increase funding for Claimant's CIS from 12 hours per month to 25 to 40 hours per month. The regional center asserted in the NOPA that claimant should receive 12 hours per month because one of the goals set forth in the latest assessment was not age appropriate. The regional center based its decision on Welfare and Institutions Code sections 4646, subdivision (a), 4646.4, 4646.5 and 4648.8. Claimant filed his request for hearing on or about July 15, 2011.

4. At the hearing, Claimant's mother testified that Claimant needs at least 25 hours of CIS per month because he exhibits inappropriate behaviors when he is out in the community and that many of the CIS hours are used in transporting claimant to an outing in the community.

5. The regional center contended at hearing that the goal to teach claimant to use public transportation is not appropriate because of his young age as it would not be safe to allow claimant to travel alone by public transportation. To address Claimant's behavior issues, the regional center has offered to provide funding for behavior modification services at that service would be more effective in addressing Claimant's behavior problems.

LEGAL CONCLUSIONS

1. In 1977, the California Legislature enacted the Lanterman Developmental Disabilities Services Act (the Lanterman Act) "to prevent or minimize the institutionalization of developmentally disabled persons and their dislocation from family and community . . . and to enable them to approximate the pattern of everyday living of nondisabled persons of the same age and to lead more independent and productive lives in the community." (See, *Association for Retarded Citizens v. Department of Developmental Services* (1985) 38 Cal.3d 384, 388.). Under the Lanterman Act, the "State of California accepts a responsibility for persons with developmental disabilities and an obligation to them which it must discharge." (Welf. & Inst. Code, § 4501.)

2. Services provided must be cost-effective, and regional centers are required to control costs so far as possible, and to otherwise conserve resources that must be shared by many consumers. (Welfare and Institutions Code sections 4512, subdivision (b), 4646, subdivision (a), 4640.7, subdivision (b), and 4651, subdivision (a).) In this case, the Regional Center established that the goal of teaching Claimant to utilize public transportation is not age appropriate, and it would not be cost effective to provide funding for such a goal.

ORDER

The decision of the Eastern Los Angeles Regional Center to fund community integration services at 12 hours per month is affirmed. Claimant's appeal is denied.

Dated: September 13, 2011

HUMBERTO FLORES
Administrative Law Judge
Office of Administrative Hearings

NOTICE

This is the final administrative decision. Both parties are bound by this decision. Either party may appeal this decision to a court of competent jurisdiction within 90 days.